

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**  
**SOLICITATION NO. HSCG38-08-Q-010009**  
**FLIR Radar System Spares**

Pursuant to the requirements of Section 4202 of the Clinger-Cohen Act (test program for commercial items) as implemented by Federal Acquisition Regulation (FAR) 13.500, this justification for other than full and open competition is supported by the following facts and rationale in the format described at FAR 6.303-2:

**(1) Agency and Contracting Activity. Identification of the agency and the contracting activity, and specific identification of the document as a Justification for other than full and open competition.**

The United States Coast Guard, Aircraft Repair and Supply Center (ARSC), HC-144 Product Line, Elizabeth City, North Carolina, proposes to enter into a contract on the basis of other than full and open competition with the respective Original Equipment Manufacturer (OEM) for the requested spares.

**(2) Nature and/or description of the action being approved.**

The U.S. Coast Guard HC-144 Product Line, Aircraft Repair and Supply Center (ARSC), Elizabeth City, NC has a requirement on a sole source basis to purchase spare parts for the Medium Range Surveillance (MRS) Maritime Patrol Aircraft (MPA) HC-144A, aircrafts four (4) through eight (8). ARSC seeks approval for a J&A to procure spare parts, on a sole source basis, from the OEM listed below.

A previous Class J&A was submitted for spare parts to support five (5) other CASA HC144 systems (MPA), the FLIR was not part of that previous action. Funding for this provisioning was not provided at that time, and therefore was not included in that J&A.

**(3) Description of the supplies/services.**

The Initial provisioning of spares to provide support of the FLIR (Forward-Looking Infrared Radar) system manufactured by FLIR Systems, Inc., (64869), 16505 S.W. 72<sup>nd</sup> Avenue, Portland, OR 97224-7224. The US Coast Guard intends to purchase spares (Central Electronic Unit (C.E.U.), FLIR Hand Control, and FLIR Turret) from the OEM or other responsible vendor that can supply this equipment.

**(4) Identification of Statutory Authority Permitting Other Than Full and Open Competition.**

The statutory authority permitting other than full and open competition is 10 USC 2304(c)(1) implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

**(5) Demonstration That the Nature of the Acquisition Requires Use of the Authority Cited.**

The Coast Guard does not own the rights to the technical manuals, publications or data as these are proprietary to FLIR Systems (OEM). FLIR Systems, as the developer, is the only company with the data rights to sell and service parts associated with its products. Using parts from other than the OEM would compromise the integrity of the aircraft and would void any existing warranties.

**(6) Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.**

The Coast Guard has not yet been officially assigned with operational follow on support for this new Aircraft. The Coast Guard intends to establish a New Product Development Branch to pursue additional sources of supply for spares. At this time the Coast Guard does not have data rights.

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***(7) Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.***

It is the Contracting Officer's opinion that prices offered will be fair and reasonable based on comparisons of the commercial published price lists by the OEM, cost comparison with similar items in the commercial market place and analysis on other than cost and pricing data.

***(8) Description of the Market Research.***

FLIR Systems, Inc., the radar system OEM, owns the manuals, publications and data. The Coast Guard does not have any rights to technical data. At this time FLIR Systems is the sole source for the spares. Also, a sources sought notice for spares for the CASA HC-144 was previously posted on FedBizOps, in May 2008. Any and all responsible offers would be considered. The CG did not receive any responses. This FLIR system was initially procured for this aircraft. An internet search was conducted also in May 2008 and no other sources for this FLIR system were found.

***(9) Any Other Facts Supporting the Use of Other Than Full and Open Competition.***

The Coast Guard does not own the data rights and does not anticipate purchasing these data rights. Therefore, it would be difficult to take steps to foster competition as the manufacturing performance and acceptance data are proprietary and the Coast Guard does not have adequate technical data to provide to potential offerors at this time.

***(10) A listing of the Sources, if Any, That Expressed in Writing, an Interest in the Acquisition.***

A sources sought notice for spares was posted for the HC-144 was posted on FedBizOps previously and no interested parties responded. A combined synopsis/solicitation will be issued for this requirement upon approval by the Coast Guard legal office.

***(11) Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.***

The HC-144 Product Line will be merged with the HU25 Product Line in the near future to form a Medium Range Aircraft Product Line. This Product Line will be responsible for developing new sources for the HU25 aircraft as well as the HC-144 aircraft. The Coast Guard plans to establish a New Product Development Branch (NPD) to pursue additional sources of supply. A representative of the NPD Branch will locate alternate sources of supply and alternate acceptable products. Engineering, contracting and NPD will continuously conduct market research to ensure that companies interested in doing business with the USCG are given every opportunity to compete for our requirements.

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**APPROVAL SIGNATURES ARE IN THE CONTRACT FILE**

(12) ***Contracting Officer Certification.***

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
**WADE JOHNSON**  
**Contracting Officer**

\_\_\_\_\_  
**DATE**

**Technical/Requirements Personnel Certification.**

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

\_\_\_\_\_  
**Technical Representative**

\_\_\_\_\_  
**DATE**

**APPROVAL:**

\_\_\_\_\_  
**Competition Advocate**

\_\_\_\_\_  
**DATE**